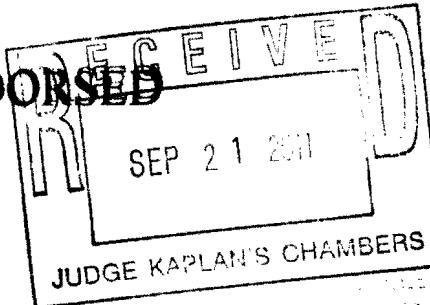


GIBSON DUNN

**MEMO ENDORSED**

September 20, 2011



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The Honorable Lewis A. Kaplan  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

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U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
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SOUTHERN DISTRICT OF NEW YORK  
9/27/11

Re: *Chevron Corp. v. Aguinda Salazar, et al.*, Case No. 11 Civ. 3718 (LAK)

Dear Judge Kaplan:

I write as counsel for Plaintiff Chevron Corporation concerning the Memorandum and Order (the "Order") dated yesterday but issued today by Magistrate Judge Francis [DI 360] (copy enclosed). The Order directs Chevron to produce to Defendants on three days' notice a document-by-document privilege log for all materials—totaling well in excess of 100,000 pages—withheld in connection with Count Nine discovery.

The Second Circuit's order of late yesterday staying the proceedings relating to Count Nine would appear to apply to any deadlines imposed by this subsequent Order. (See *Chevron Corp. v. Camacho*, No. 11-1150-cv(L), [DI 597] (2d Cir. Sept. 19, 2011).) Chevron understands that Defendants share the view that the Second Circuit's order suspends all discovery-related obligations pending further developments. (See attached email.) But in an abundance of caution, and in order to protect its privilege claims, Chevron seeks confirmation from the Court that yesterday's order from the Second Circuit staying the Count Nine proceedings applies to this Order.

Were it not for the Second Circuit's stay, Chevron would be filing objections to Magistrate Judge Francis's Order and seeking a stay of its application pending this Court's resolution of those objections. We respectfully believe that Magistrate Judge Francis misapprehended the nature of certain of Chevron's privilege assertions, including work product claims over excerpted media reports compiled at the direction of counsel and, in many instances, reflecting discussion concerning their contents.

Consistent with Chevron's continuing good faith efforts to comply with all of its discovery obligations in this matter, we are preparing a document-by-document privilege log for production, as directed, in the event that any stays applicable to any of Chevron's claims are lifted.

GIBSON DUNN

The Honorable Lewis A. Kaplan  
September 20, 2011  
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As always, we are thankful for the Court's consideration, and we would appreciate confirmation that Your Honor agrees the Second Circuit's stay applies to any obligations imposed by the Order or, alternatively, any other directive Your Honor has for Chevron in this regard.

Respectfully,

*Randy Mastro/RB*  
Randy M. Mastro

cc: Counsel of Record

The matter is  
Stayed as of now  
SO ORDERED  
LEWIS A. KAPLAN, USDC  
9/27/11